



EXPRESS MAIL NO. EL514779528US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

#11
A. Harmon
1/6/00

In re application of:

Ian KIMBER, et al.

Application No. 09/058,589

Filed: April 10, 1998

For: **LACTOFERRIN AS REGULATOR OF
ALLERGEN-INDUCED TUMOR
NECROSIS FACTOR- α PRODUCTION
AND THERAPEUTIC APPLICATIONS**

Art Unit: 1618

Examiner: Adams, D.

Attorney's Docket No: 01380041US01

RESPONSE TO RESTRICTION REQUIREMENT

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

This is in response to the Restriction Requirement mailed on October 4, 1999 setting forth a 30 day period for response thereby making the due date November 4, 1999. A Petition for Extension of Time for two months is enclosed herewith thereby extending the due date to January 4, 2000. The petition fee for a small entity of \$190.00 is also enclosed herewith. It is believed that no additional fee is due in connection with this submission. However, if any fee is due in order to maintain the pendency of the application, the Examiner is explicitly authorized to charge Deposit Account No. 08-3038.

REMARKS

The Examiner requires restriction to one of the following allegedly distinct inventions:

1. Method of inhibiting IL-1 β inflammatory activity, *i.e.*, claims 1 and 5-7 (assumably the remaining method claims 8-18 fall into this category as well); and
2. Composition comprising lactoferrin, *i.e.*, claims 2-4.

Applicants herein elect with traverse to pursue the "method" claims 1 and 5-7 (assumably the remaining method claims 8-18 fall into this category as well and were omitted only as the result of a USPTO error).

M.P.E.P. §802.02 provides guidance for determining when restriction is proper. The Examiner is respectfully reminded that (1) the inventions must be independent or distinct as claimed and (2) there must be a serious burden on the Examiner if restriction is not required.